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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,259	08/04/2003	Jay Ross	ROSS-006	7051

7590 05/18/2004

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EXAMINER

SWINEHART, EDWIN L

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 05/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/634,259

Applicant(s)

ROSS ET AL.

Examiner

Ed Swinehart

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

### DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams.

Williams discloses the claimed invention, including a pair of horizontally arranged tubes attachable to a boatlift. First and second hoses are provided (first runs from the pump to fitting on first tube, second runs from fitting to second tube). A plurality of U-bolts **58** are provided for attachment. Nuts are inherently associated with such U-bolts.

The method of claim 16 is inherent to Williams.

Re claims 17-20, such are apparatus claims, carrying no weight in these method claims.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Rutter.

Williams fails to disclose a valve associated with each of the hoses.

Rutter discloses an inflation system (figure 6) in which each float has its own fill hose and associated valve.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide an air filling system to Williams as that taught by Rutter.

Such a combination would have been desirable at the time the invention was made so as to provide for controlled raising and lowering of the lift.

Re claim 7, the valve assembly of Rutter may be called a "valve unit".

Re claim 8, "connecting hose" fails to define any specific structure and/or arrangement so as to define over the hose running from the source **192**.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Rutter as applied to claim 9 above, and further in view of Cruchelow et al.

Rutter fails to disclose use of a screen.

Cruchelow et al. teaches placement of screen or mesh over the pontoon outlets to prevent fouling.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide screening over the outlets of Williams as taught by Cruchelow et al.

Such a combination would have been desirable at the time the invention was made so as to provide for prevention of fouling.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Lapeyre.

Williams is discussed above, and fails to disclose the positioning of the lift between posts, as is considered to have been old and well known in the art as evidenced by Lapeyre.

It would have been obvious to one of ordinary skill in the art at the time of the invention to position the lift of Williams between vertical posts or piles as taught by Lapeyre.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in positioning of the lift.

7. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Lapeyre as applied to claim 11 above, and further in view of Rutter.

Rutter is applied as above.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Lapeyre as applied to claim 11 above, and further in view of Cruchelow et al.

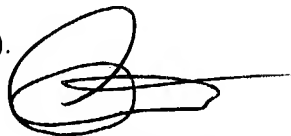
Cruchelow et al. Is applied as above.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 703-308-2566. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Ed Swinehart', with a stylized, looping initial 'E' and a horizontal line extending to the right.

Ed Swinehart  
Primary Examiner  
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